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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,408	03/27/2000	KLAUS MALER	112740-421	3860

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EXAMINER
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MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/509,408

Applicant(s)

MALER, KLAUS

Examiner

Naghmeh Mehrpour

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. **Claims 7-12**, are rejected under 35 U.S.C. 102(e) as being anticipate by Inoue et al. (US Patent Number 6,442,616 B1).

Regarding **Claim 7**, Inoue teaches a communication terminal apparatus for wireless communication with a selected base station of one of at least two communication systems (col 3 lines 3-35), the communication terminal apparatus being logged on as

ready to receive the selected base station (col 3 lines 3-35), the communication terminal apparatus comprising:

recognition means for recognizing one of the at least two communication systems (col 3 lines 3-35), the recognized communication system having the selected base station (FA/HA) (col 7 lines 18-56), and

control means configured to allocate a network address to the recognized communication system under which the communication terminal apparatus can currently be reached and communicating control information via the selected base station to a control network address stored in a memory (col 5 lines 50-67) of the communication apparatus (col 6 lines 1-33);

wherein the network address communicated to the control network address stored in memory is used for assisting in handling a call intended for the communication terminal apparatus but directed to a communication system via which the communication terminal apparatus cannot be reached (col 6 lines 1-33).

Regarding **claim 8**, Inoue teaches a communication terminal apparatus for wireless communication with a selected base station of one of at least two communication systems (col 3 lines 3-35), the communication terminal apparatus being logged on as ready to receive the selected base station (col 3 lines 3-35), the communication terminal apparatus comprising:

recognition means for recognizing one of the at least two communication systems, the recognized communication system having the selected base station (col 7 lines 18-56), and

control means configured to allocate a network address to the recognized communication system under which the communication terminal apparatus can currently be reached (col 6 lines 1-33) and communicating control information via the selected base station to a control network address stored in a memory of the communication apparatus (col 6 lines 1-3), for influencing an activation/deactivation condition related to another communication system not having the selected base station (col 7 lines 17-55); and

the network address communicated to the control network address stored in memory is used for assisting in handling a call intended for the communication terminal apparatus but directed to a communication system via which the communication terminal apparatus cannot be reached (col 7 lines 17-55).

Regarding **Claims 9-10**, Inoue teaches a communication terminal apparatus wherein the control information activates a call redirection relating to a subscriber address under which the communication terminal apparatus can be reached via another communication system not having the selected base station (col 3 lines 1-67), given corresponding readiness to receive the another communication system by the communication terminal apparatus (col 3 lines 3-67, col 4 lines 1-33).

Regarding **Claim 11**, Inoue teaches a communication terminal apparatus wherein the memory stores a control network address of a mobility server (col 5 lines 50-67).

Regarding **Claim 12**, Inoue teaches a communication terminal apparatus wherein the memory stores a plurality of control network addresses of a plurality of communication systems (col 3 lines 3-67), and the communication terminal apparatus further comprising:

selection means for selecting at least one control network address of another communication system not having the selected base station (col 3 lines 3-67, col 4 lines 1-33).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-5, 16-30, have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

June 27, 2006

  
MELODY MEHROTRA  
PATENT EXAMINER